

# STATE OF NEW YORK

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4245

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

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Introduced by M. of A. ENGLEBRIGHT, OTIS, COLTON, FAHY, ABINANTI -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enhancing the state's flood mitigation and coastal resiliency activities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 54-1523 of the environmental conservation law, as  
2 added by section 5 of part U of chapter 58 of the laws of 2016, para-  
3 graphs f and g of subdivision 1 as amended and paragraph h of subdivi-  
4 sion 1 as added by chapter 106 of the laws of 2019, is amended to read  
5 as follows:

6 § 54-1523. Climate adaptation and mitigation projects.

7 1. The commissioner is authorized to provide on a competitive basis,  
8 within amounts appropriated, state assistance payments to a municipality  
9 toward the cost of any climate adaptation or mitigation projects. Such  
10 projects shall include:

11 a. the construction of natural resiliency measures, conservation or  
12 restoration of riparian areas and tidal marsh migration areas;

13 b. nature-based solutions such as wetland protections to address phys-  
14 ical climate risk due to sea level rise, and/or storm surges and/or  
15 flooding, based on available data predicting the likelihood of future  
16 extreme weather events, including hazard risk analysis data if applica-  
17 ble;

18 c. relocation or retrofit of facilities to address physical climate  
19 risk due to sea level rise, and/or storm surges and/or flooding based on  
20 available data predicting the likelihood of future extreme weather  
21 events, including hazard risk analysis data if applicable;

22 d. flood risk reduction;

23 e. greenhouse gas emission reductions outside the power sector;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 f. enabling communities to become certified under the climate smart  
2 communities program, including by developing natural resources invento-  
3 ries, right sizing of municipal fleets and developing climate adaptation  
4 strategies;

5 g. climate change adaptation planning and supporting studies, includ-  
6 ing but not limited to vulnerability assessment and risk analysis of  
7 municipal drinking water, wastewater, and transportation infrastructure;  
8 [~~and~~]

9 h. to establish and implement easily-replicated renewable energy  
10 projects, including solar arrays, heat pumps and wind turbines in public  
11 low-income housing in suburban, urban and rural areas; and

12 i. land acquisition, including but not limited to flood mitigation and  
13 coastal riparian resiliency; provided, however, no monies shall be  
14 expended for acquisition by eminent domain.

15 2. To the fullest extent practicable, it is the policy of the state to  
16 promote an equitable regional distribution of climate adaptation and  
17 mitigation projects, consistent with the purpose of this title, taking  
18 into account regional differences in climate change risks, socioeconomic  
19 conditions and ecological resources.

20 [~~3. No monies shall be expended for land acquisition.~~]

21 § 2. The environmental conservation law is amended by adding a new  
22 section 54-1525 to read as follows:

23 § 54-1525. Restriction on alienation.

24 Real property acquired, developed, improved, restored or rehabilitated  
25 by a municipality pursuant to this title with funds made available  
26 pursuant to this title shall not be sold or disposed of or used for  
27 other than public purposes without the express authority of an act of  
28 the legislature, which shall provide for the substitution of other lands  
29 of equal environmental and fair market value and reasonably equivalent  
30 usefulness and location to those to be discontinued, sold or disposed  
31 of, and such other requirements as shall be approved by the commission-  
32 er.

33 § 3. Subdivision 6 of section 15-3303 of the environmental conserva-  
34 tion law, as added by section 2 of part T of chapter 57 of the laws of  
35 2017, is amended to read as follows:

36 6. Real property acquired, developed, improved, restored or rehabili-  
37 tated by or through a municipality, county soil and water conservation  
38 district or not-for-profit corporation with funds made available pursu-  
39 ant to this title shall not be sold, leased, exchanged, donated or  
40 otherwise disposed of or used for other than the public purposes of this  
41 title without the express authority of an act of the legislature, which  
42 shall provide for the substitution of other lands of equal environmental  
43 value and fair market value and reasonably equivalent usefulness and  
44 location to those to be discontinued, sold or disposed of, and such  
45 other requirements as shall be approved by the commissioner.

46 § 4. This act shall take effect immediately.